

REMARKS:

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on January 26, 2009. Claim 1 has been amended to incorporate the subject matter of claim 2. Claim 2 is, thus, cancelled. No new matter has been added. Accordingly, claims 1 and 3-13 are pending.

Claim Rejections under 35 U.S.C. §103

The Patent Office has rejected claims 1 and 3 under 35 U.S.C. §103(a) as obvious over Kim, et al. (WO 03/55888) ("Kim I"). The Patent Office has also rejected claims 1 and 3 under 35 U.S.C. §103(a) as obvious Kim, et al. (U.S. Patent No. 7,388,099) ("Kim II"). The Patent Office alleges that while neither Kim I nor Kim II teaches the claimed compound where R is C1-C30 alkoxy, it shows a synthetic pathway for a person skilled in the art to "modify the dihydroxyl substituted cucurbitural by alkylating the hydroxyl groups with a reasonable expectation of success." See page 3-5 of the Office Action.

While not acquiescing to the propriety of the Patent Office's position in these rejections, Applicants have obviated these rejections by incorporating the subject matter of claim 2 into claim 1. Please note that the Patent Office has indicated that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Thus, Applicants respectfully submit that the amendment of claim 1 renders both obviousness rejections moot, and thus warrants withdrawal of these rejections.

Double Patenting

Claims 1 and 3 have been rejected under nonstatutory obviousness-type double patenting as unpatentable over claims 1-4 of U.S. Patent No. 7,388,099. As explained above in relation to the obviousness rejections, Applicants respectfully submit that the amendment of claim 1 to incorporate the subject matter of claim 2 renders this rejection moot and that withdrawal of this rejection is respectfully requested.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

By



Patrick T. Skacel
Attorney for Applicants
Registration No. 47,948
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040